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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,834	11/14/2003	Junichi Ogikubo	450100-04810	2578
7590 03/03/2010 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
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03/03/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/713,834

**Applicant(s)**

OGIKUBO, JUNICHI

**Examiner**

DANIEL TEKLE

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,9,11 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,9,11 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Argument*

Applicant's arguments with respect to claim 1, 5, 9, 11 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 5, 9, 11 and 26-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US 7,149,408) and further in view of Chen et al. (US 6,912,726).

**Regarding Claim 1:** Kobayashi and Chen et al. discloses an apparatus for controlling image display comprising: a determining unit configured to determine whether or not material data is combined with frame rate information as associated information (**column 2 lines 4-16 of Kobayashi**); and a controller configured to control image display to display (a) a frame image representation region displaying said material data along a time axis in a reproduction order, a width of the time axis of the frame image representation region representing reproduction time of the material data (**column 10 lines 20-48 of Chen et al.**), and (b) reproduction speed indicating region displaying a speed range available for reproduction and a currently displayed reproduction speed within the speed range (**column 8 lines 26-43 of Kobayashi**), wherein when material

information is combined with the frame rate information, the width of the time axis of the frame image representation region is altered according to a reproduction time calculated based on a reproduction speed (**column 8 lines 26-43 of Kobayashi**) and wherein when the speed range is altered in the reproduction speed indicating region, the width of the time axis of the frame image representation region is altered to correspond thereto (**column 10 lines 20-48 of Chen et al.**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Chen et al. invention into Kobayashi invention in order to have an easy control to edit audio/video data.

**Regarding Claim 5:** Kobayashi disclose an apparatus according to claim 1, wherein controller sets a speed range available for reproduction on said material data based on said associated information, and controller controls the image display to display set speed range (**column 4 lines 17-26**).

**Regarding Claim 9:** Kobayashi disclose an apparatus according to claim 5, wherein controller controls image display to display an indication for indicating the reproduction speed (**column 8 lines 26-43**).

**Regarding Claim 11:** Kobayashi disclose an apparatus according to claim 5, wherein controller controls the image display to display set speed range with an indication for indicating the reproduction speed (**column 8 lines 26-43**); wherein indication varies in Synchronization with alteration according to an operation for altering indicated width of material data in frame image representation region (**column 8 lines 43-47**); and wherein indicated width of frame image representation region varies in synchronization

with alteration according to an operation for adjusting the indication(**column 8 lines 43-52**).

**Regarding Claim 26:** Kobayashi disclose an apparatus according to claim 1, wherein said indicated width of the frame image representation region becomes longer when the reproduction speed of said data materials is altered to be slower, while said indicated width of the frame image representation region becomes shorter when the reproduction speed of said data materials is altered to be faster (**column 8 lines 26-42**).

**Regarding Claim 27:** Kobayashi disclose an apparatus according to claim 1, wherein the reproduction speed of data materials becomes slower when indicated width of the frame image representation region is altered to be enlarged, while the reproduction speed of data materials becomes faster when indicated width of the frame image representation region is altered to be shortened (**column 8 lines 26-42**).

**Regarding Claims 28-29:** Claims 28-29 are rejected for the same subject matter as claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621